

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DAVID A. REPYNECK
Debtor

: Chapter 13
:
: Bankruptcy No. 17-15975 PMM
:
: date: 01/13/2022
: Time: 10:00 AM
: Place: U.S. bankruptcy court

ANSWER TO MOTION OF CHAPTER 13 TRUSTEE TO DISMISS

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES BANKRUPTCY COURT:

David Repyneck, Debtor, responds to the Trustee's Motion to Dismiss as follows:

1. Admitted.

2. Admitted.

3. Denied. To satisfy feasibility, a debtor's plan must have a reasonable likelihood of success, i.e., that it is likely that the debtor will have the necessary resources to make all payments as directed by the plan." First National Bank of Boston v. Fantasia (In re Fantasia), 211 B.R. 420, 423 (1st Cir. BAP 1997); In re Ellis, No. 05-39345DWS, 2006 Bankr. LEXIS 1048, 2006 WL 1555692, at *5 (Bankr. E.D. Pa. May 16, 2006) In re Asken, 2007 Bankr. LEXIS 1198, *10-11

Debtor meets his burden of proof based upon Movant's Case Status Report that shows Debtor has paid into the plan \$49,182.49. See Exhibit A. Movant, Scott Waterman, is holding \$1,580.01. Movant does not explain why he is holding this sum. The alleged cure delinquency is \$40.34. The amount required to complete the confirmed plan is \$6,798.92. The Court confirmed a 60 month plan based upon its finding that the plan was feasible.

Debtor is paying \$807.66 monthly and will shortly complete making all payments required by the plan. Movant has yet to credit debtor's December 2021 payment, which will reduce the amount required to complete the plan. Debtor has remained current in his plan payments and will complete plan payment in a timely fashion within 60 months

Debtor has complied with USAA/Nationstar's numerous and varied document requests. (Dkt. 73). Debtor does not control how USAA/Nationstar processes his documents; however, debtor has the resources to complete the plan.

WHEREFORE Respondent requests an Order be entered denying the Motion to Dismiss and permitting Debtor to pay his creditors.

EASTBURN AND GRAY, P.C.

By: /s/ David L. Marshall
David L. Marshall, Esquire
Attorney for Debtor
Attorney I. D. No. 19356
Eastburn and Gray, P.C.
60 East Court Street
Doylestown, PA 18901
(215)345-7000
Fax No. 215-345-9142

Dated: _____, 2021



Case Number 1715975

Debtor Information

Debtor 1 DAVID A REPYNECK
Debtor 2

Trustee Information

Trustee Scott F. Waterman

Status

Data Last Updated Dec 01, 2021

Total Paid into Plan \$49,182.49

Petition Filed on Sep 05, 2017

Debtor's Latest

Payments

EPAY - PLAN PAYMENT \$807.66 11/29/2021

EPAY - CURE DELINQUENCY \$40.34 11/29/2021

EPAY - PLAN PAYMENT \$807.66 11/01/2021

CASE INFORMATION

Case Number	1715975	Filing Fee in Plan	
Chapter	13	Filing Fee Paid to Date	
Case Status	Active	Date Petition Filed	09/05/2017
NDC Case Status	Active-Open	Date Plan Filed	09/05/2017
Balance on Hand	\$1,560.01	First 341 Meeting Date	11/14/2017
Last Receipt Date	11/29/2021	Date Case Confirmed	05/03/2018
Last Receipt Amount	\$807.66	Date Case Closed	
Last Disbursement Date	11/29/2021		
Total Plan Payments Required	\$55,981.41		
Total Paid into Plan	\$49,182.49		
Total Paid to all Parties	\$47,622.48		
Total Paid to Creditors			

Additional Parties In Interest

TRUSTEE INFORMATION

Trustee Name Scott F. Waterman
Trustee City Reading, PA
Amount Paid to Date \$4,153.41

JUDGE/ATTORNEY INFORMATION

Judge Name Patricia M. Mayer
Attorney Name DAVID L MARSHALL ESQ
Attorney Fee in Plan
Attorney Paid to Date
Attorney Fee Paid Outside Plan

DEBTOR INFORMATION

Debtor 1		Debtor 2	
Debtor Name	DAVID A REPYNECK	Debtor Name	
Direct Payment Amt	\$807.66	Direct Payment Amt	
Direct Payment Frequency	MONTHLY	Direct Payment Frequency	
Payroll Deduction Amt		Payroll Deduction Amt	

Payroll
Deduction
Frequency

Payroll
Deduction
Frequency

PLAN STEPS

COURT DOCKET

DOCUMENTS AND FILES

START DATE	END DATE	NUMBER OF PAY PERIODS	PAYMENT AMOUNT	PAYMENT FREQUENCY
10/05/2017	02/04/2019	16	\$1,250.12	MONTHLY
02/05/2019	03/04/2019	1	\$1,250.11	MONTHLY
03/05/2019	10/04/2022	43	\$807.66	MONTHLY